

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael J. Pushinsky
Deborah Joy Pushinsky
Debtor(s)

Bankruptcy Case No.: 16-20367-GLT
Issued Per 3/25/2021 Proceeding
Chapter: 13
Docket No.: 161 – 148
Concil. Conf.: August 12, 2021 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 23, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 12, 2021 at 11:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The filing fee will not be paid through the plan, as it has already been paid at docket no. 20.

Ally Financial shall be paid per stipulated order of 8-7-18, docket no. 129.

Payment to PNC Account Number ending in 0306 was proper when made.

Westmoreland County TCB is moved from section 3.2 of the plan to section 3.6, and will be

paid with statutory interest.

IRS Claim No. 2 will govern with the included civil penalty being paid once as it was duplicated on the claim.

The taxing authority for the "Bureau of Individual Taxes" is to be identified by the next hearing or it will be eliminated from the plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

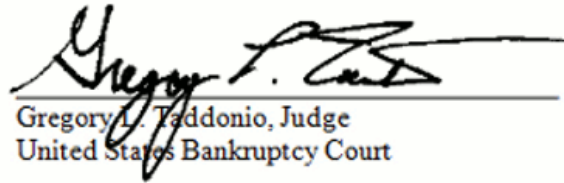
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: March 26, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Michael J. Pushinsky
Deborah Joy Pushinsky
Debtors

Case No. 16-20367-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas

Page 1 of 2

Date Rcvd: Mar 26, 2021

Form ID: 149

Total Noticed: 15

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 28, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Michael J. Pushinsky, Deborah Joy Pushinsky, 220 Sunrise Drive, Irwin, PA 15642-8830
aty	+ Albert G. Reese, Jr., Law Office of Albert G. Reese, Jr., 640 Rodi Rd., 2nd Fl., Ste. 2, Pittsburgh, PA 15235-4512
cr	+ Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place, Pittsburgh, Pa 15222-5413
cr	+ Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 225 North Shore Drive, Pittsburgh, PA 15212-5860
14203886	Bureau of Individual Taxes, Commonwealth of PA, PO Box 280432, Harrisburg, PA 17128-0432
14203890	+ Lawrence M. Wojcik, Jr., Penn Township Treasurer, 2001 Municipal Court, Harrison City, PA 15636-1349
14203891	+ Lawrence Wojcik, Penn Township Tax Collector, PO Box 456, Harrison City, PA 15636-0456
14174321	+ PNC Bank, PO Box 94983, Cleveland, OH 44101-4983
14200212	Radiance Capital Receivables Ten, LLC, c/o Brian M. Kile, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
14268022	+ U.S. Small Business Administration, 200 W. Santa Ana Blvd., Ste 770, Santa Ana, CA 92701-7534
14203893	+ Westmoreland County Tax Claim Bureau, 40 N. Pennsylvania Ave, Suite 109, Greensburg, PA 15601-2341
14203894	+ Woodland Hills SD Tax Office, 2071 Ardmore Blvd, Pittsburgh, PA 15221-4644

TOTAL: 12

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14174320	Email/Text: ally@ebn.phinsolutions.com	Mar 27 2021 04:22:00	Ally Financial, PO Box 130424, Roseville, MN 55113-0004
14203888	Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 27 2021 04:23:00	Department of Treasury, Internal Revenue Service, Andover, MA 01810-9041
14203892	+ Email/Text: birminghamtops@sba.gov	Mar 27 2021 04:24:19	Small Business Administration, 801 Tom Martin Drive, Suite 120, Birmingham, AL 35211-6424

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC BANK, NATIONAL ASSOCIATION
cr		Radiance Capital Receivables Ten, LLC
14203887	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court:, Department of Treasury, Internal Revenue Service, Cincinnati, OH 45999
14203889	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court:, Internal Revenue Service, Centralized Insolvency Operations, PO Box 21126, Philadelphia, PA 19114-0326

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

District/off: 0315-2

User: dbas

Page 2 of 2

Date Rcvd: Mar 26, 2021

Form ID: 149

Total Noticed: 15

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 28, 2021

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 26, 2021 at the address(es) listed below:

Name	Email Address
Albert G. Reese, Jr.	on behalf of Debtor Michael J. Pushinsky areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Albert G. Reese, Jr.	on behalf of Plaintiff Deborah Joy Pushinsky areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Albert G. Reese, Jr.	on behalf of Joint Debtor Deborah Joy Pushinsky areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Albert G. Reese, Jr.	on behalf of Plaintiff Michael J. Pushinsky areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Albert G. Reese, Jr.	on behalf of Attorney Albert G. Reese Jr. areese8897@aol.com, agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Brett A. Solomon	on behalf of Creditor Ally Financial brett.solomon@solomon-legal.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Brian M. Kile	on behalf of Creditor Radiance Capital Receivables Ten LLC bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
Jill Locnikar	on behalf of Defendant U.S. Small Business Administration jill.locnikar@usdoj.gov patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
Jillian Nolan Snider	on behalf of Creditor Ally Financial jsnider@fbtlaw.com agilbert@fbtlaw.com,agilbert@ecf.courtdrive.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com, PNGbankruptcy@peoples-gas.com

TOTAL: 13